

***[NO MINUTES WERE GENERATED ON TUESDAY, NOVEMBER 11, 2003,  
DUE TO THE COURT'S OBSERVANCE OF VETERANS' DAY.]***

1819

**SUPREME COURT MINUTES  
WEDNESDAY, NOVEMBER 12, 2003  
SAN FRANCISCO, CALIFORNIA**

**S032832**

PEOPLE v. MARTINEZ (OMAR F.)  
Rehearing denied.

Opinion modified – no change in judgment.

Kennard, J., is of the opinion the petition should be granted.

**S118489**

B163651 Second Appellate District,  
Division Eight

GOMEZ v. S.C. (DISNEY)  
Petition for review granted.

George, C.J., and Brown, J., were recused and did not participate.

Votes: Baxter, A.C.J., Kennard, Werdegarr, Chin & Moreno, JJ.

**S119067**

C039031 Third Appellate District

PEOPLE v. WRIGHT  
Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown and Moreno, JJ.

**S119129**

H024003 Sixth Appellate District

PEOPLE v. GUZMAN  
Petition for review granted

Votes: George, C.J., Baxter, Werdegarr, Chin, Brown and Moreno, JJ.

**S119230**

A098085 First Appellate District,  
Division Two

PEOPLE v. JOHNSON  
Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegarr, Brown and Moreno, JJ.

**S119294**

B161668 Second Appellate District,  
Division Five

**PEOPLE v. LOPEZ**

Petition for review granted; issues limited

The issue to be briefed and argued is limited to the following: Is a defendant who is convicted of first degree murder with a finding that the crime was committed for the benefit of a criminal gang within the meaning of Penal Code section 186.22, subject to an enhancement of 10 years under section 186.22, subdivision (b)(1)(c) or a minimum parole eligibility term of 15 years section 186.22, subdivision (b)(5), which applies where the defendant is convicted of "a felon punishable by imprisonment in the state prison for life?

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Brown and Moreno, JJ.

**S119498**

C032633 Third Appellate District  
C034943  
C040263

**STATE PERSONNEL BOARD v. DEPARTMENT OF  
PERSONNEL ADMINISTRATION et al.**  
Petitions for review granted

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown & Moreno, JJ.

**S117879**

F038393 Fifth Appellate District

**PEOPLE v. CHACON**

Order filed: case held pending decision in another case

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Thomas* (S118052) (see Cal. Rules of Court, rule 28.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

**S118936**

B160267 Second Appellate District,  
Division Seven

**FINKE v. THE WALT DISNEY et al.**

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Kids Against Pollution v. California Dental Association*, S115156 (see

Cal. Rules of Court, rule 28.2 (c), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

George, C.J., and Brown, J., were recused and did not participate.

Votes: Baxter, A.C.J., Kennard, Werdegar, Chin and Moreno, JJ.

**S107271**

C037282 Third Appellate District

TICKET TRACK CALIFORNIA INC. v.  
DEPARTMENT OF MOTOR VEHICLES et al.  
Dismissed per rule 29.3(b), and remanded to CA 3.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin and Moreno, JJ.

**S107821**

A091787 First Appellate District,  
A092000 Division Four  
A092062  
A092084  
A092537  
A092730

JACKSON PLAZA v. ALCAL ROOFING  
Transferred to CA 1/4 after hold

with directions to vacate its decision and to  
reconsider the cause in light of *Lantzy v. Centex  
Homes* (2003) 31 Cal.4th 363.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin and Moreno, JJ.

**S109520**

A095878 First Appellate District,  
Division Four

T. (ELDRIDGE), IN RE  
Dismissed per rule 29.3(b), and remanded to CA 1/4

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin and Moreno, JJ.

**S109918**

F034110 Fifth Appellate District

PEOPLE v. CHAVEZ  
Transferred to CA 5 after hold

with directions to vacate its decision and to  
reconsider the cause in light of *People v. Lee*  
(2003) 31 Cal.4th 613.

Baxter, J., was recused and did not participate.

Votes: George, C.J., Kennard, Werdegar, Chin  
and Moreno, JJ.

**S110870**  
C038408 Third Appellate District

REGIONAL PARKING INC. v. DEPARTMENT OF  
MOTOR VEHICLES

Dismissed per rule 29.3(b), and remanded to CA 3

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin and Moreno, JJ.

**S111188**  
B147408 Second Appellate District,  
Division Eight

STROOCK & STROOCK & LEVAN v. TENDLER

Dismissed per rule 29.3(b), and remanded to CA 2/8

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin and Moreno, JJ.

**S028339**

PEOPLE v. SMITH (GREGORY CALVIN)

Stay of execution order filed

Appointed counsel for condemned inmate Gregory Calvin Smith represents that he has submitted to the United States Supreme Court a timely filed petition for writ of certiorari seeking review of this court's decision affirming the judgment of death. Moreover, appointed counsel has filed in this court a capital-related petition for writ of habeas corpus on behalf of Gregory Calvin Smith, and the disposition of that petition is pending. Accordingly, the application for stay of execution is granted and execution of the judgment of death entered against Gregory Calvin Smith by the Santa Clara Superior Court, and affirmed by this court on May 8, 2003 (30 Cal.4th 581), is hereby stayed pending the last to occur of the following: final determination of Gregory Calvin Smith's petition for writ of certiorari to the United States Supreme Court, and this court's disposition of Gregory Calvin Smith's capital-related petition for writ of habeas corpus.

**S051684**

WHITT (CHARLES E.) ON H.C.  
Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus is denied.

All claims and requests for relief are denied on the merits.

All claims and requests for relief also are procedurally barred, separately and independently, as untimely. (*In re Robbins* (1998) 18 Cal.4th 770, 780-781; *In re Clark* (1993) 5 Cal.4th 750, 763-799.)

In addition, "Claim XVIII," "Claim XIX," and "Claim XXIII" are procedurally barred, separately and independently, on grounds they could and should have been, but were not, raised on appeal. (*In re Harris* (1993) 5 Cal.4th 813, 824-829; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

Brown, J., would deny the petition solely on the merits.

**S063280**

FUDGE (KEITH T.) ON H.C.  
Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus is denied on the merits.

Claim IX: This issue could have been raised on appeal and is therefore denied on the additional basis that it is not cognizable on habeas corpus. (*In re Harris* (1993) 5 Cal.4th 813, 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756 (*Dixon*).) Habeas corpus also is not (with exceptions not applicable here) available to challenge the exclusion of evidence at trial (*In re Harris, supra*, at p. 826), and, to the extent this claim challenges the exclusion of evidence on a nonconstitutional basis, the claim is denied on this additional basis.

Claim XXVII: To the extent petitioner claims the evidence of the shotgun shells should have been excluded at trial because it was irrelevant, the claim is not cognizable on habeas corpus because it could have been raised at trial and is

also denied for that reason. (*Dixon, supra*, 41 Cal.2d 756.)

Claim XXIX: To the extent petitioner claims the trial court abused its discretion in denying a continuance following the mistrial of the first guilt trial (claims XXIX.2-5), this issue could have been raised on direct appeal and is denied for the additional reason that the issue is not cognizable here. (*Dixon, supra*, 41 Cal.2d 756.)

To the extent petitioner claims the trial court was biased when it raised objections to evidence obtained from prisoner Freddie Cole (claim XXIX.8), this claim could have been raised on appeal. Accordingly, it is denied for the additional reason that it is not cognizable here. (*Dixon, supra*, 41 Cal.2d 756.) To the extent this claim is based on the trial court's sustaining of a hearsay objection to Cole's testimony, this issue was raised and rejected on appeal. (*In re Waltreus* (1965) 62 Cal.2d 218, 225.)

Claim XXX: To the extent petitioner claims the state prevented him "from being mentally present and competent during critical trial proceedings" by forcing him to adhere to a transportation schedule to and from jail that deprived him of sleep (claim XXX.3), this claim could have been raised on appeal. Accordingly, it is denied for the additional reason that it is not cognizable here. (*Dixon, supra*, 41 Cal.2d 756.)

To the extent petitioner claims his trial counsel were prevented from interviewing witnesses Freddie Cole and Rafael Calix (claim XXX.4), this claim could have been raised on appeal. Accordingly, it is denied for the additional reason that it is not cognizable here. (*Dixon, supra*, 41 Cal.2d 756.)

Justice Brown would deny the petition solely on the merits.

**S091530**

FAIRBANK (ROBERT G.) ON H.C.  
Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus is denied.

Except for the sixteenth claim, each claim is

denied on the merits.

The sixteenth claim is dismissed as premature. (See *People v. Kelley* (1992) 1 Cal.4th 495, 545, fn. 11.)

The sixth, seventh, ninth, twelfth, thirteenth, fourteenth, and nineteenth claims are each procedurally barred, separately and independently, because they each could have been, but were not, raised on appeal. (See *In re Harris* (1993) 5 Cal.4th 813; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

To the extent that petitioner contends in the fourth and fifth claims that there was no factual basis for his plea of guilty, those claims are each procedurally barred, separately and independently, because each was raised and rejected on appeal. (*In re Harris, supra*, 5 Cal.4th at p. 825; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

The eleventh claim is procedurally barred, separately and independently, because it was raised and rejected on appeal. (*In re Harris, supra*, 5 Cal.4th at p. 825; *In re Waltreus, supra*, 62 Cal.2d at p. 225.)

Brown, J., would deny all of the claims solely on the merits, with the exception of the sixteenth claim, which she would dismiss as premature.

**S093369**

KIPP (MARTIN JAMES) ON H.C.

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus filed on December 4, 2000, is denied.

Each claim except claim XV is denied on the merits for failure to state a prima facie case for relief.

Claim XV is dismissed as premature. (See *People v. Kelly* (1992) 1 Cal.4th 495, 545, fn. 11.)

Except insofar as they allege ineffective assistance of counsel, claims IV and XII are barred because they were raised and rejected on appeal. (See *In re Harris* (1993) 5 Cal.4th 813, 825; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

Except insofar as they allege ineffective

assistance of counsel, claims III, V, VIII (except insofar as it alleges misconduct in presenting the testimony of David Sugiyama), IX, and XVI are barred because, being based entirely on facts in the appellate record, they could have been, but were not, raised on appeal. (See *In re Harris, supra*, 5 Cal.4th at p. 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

Claims IV and V, alleging insufficiency of the evidence, are not cognizable on habeas corpus. (*In re Lindley* (1947) 29 Cal.2d 709, 723.)

Agreeing that claim XV should be dismissed as premature, Justice Brown would deny all of the other claims solely on the merits.

S106796 Fourth Appellate District,

PEOPLE v. OATES (JIMMIE L.)  
Supplemental letter brief requested

The court requests that the parties submit supplemental briefs in letter form no later than December 8, 2003, addressing the following question: The effect of Penal Code section 654 aside, as a matter of statutory interpretation, should Penal Code section 12202.53 itself be construed to call for imposition of more than one enhancement under subdivision (d) when a defendant's acts of discharging a firearm produce multiple convictions of attempted murder, but cause great bodily injury or death to only one person. The parties may submit simultaneous reply briefs in letter form no later than December 22, 2003.

**S118234**

A100307 First Appellate District,  
Division Four

PEARSON v. ELBERT

Petition for review & publication request denied

**S118339**

D040432 Fourth Appellate District,  
Division One

MAHDAVI v. STATE OF CALIFORNIA

Petition for review denied



**S118418**

E031925 Fourth Appellate District,

## PEOPLE v. ROMAN

Petition for review &amp; publication request denied

Kennard, J., and Werdegar, J., are of the opinion the petition should be granted.

**S118418**E031925 Fourth Appellate District,  
Division Two

## PEOPLE v. ROMAN

The order denying the petition for review filed on November 12, 2003, is amended to read, in its entirety;

“Petition for review denied without prejudice to defendant filing a petition for a writ of habeas corpus on the issue of whether the trial court imposed an unauthorized sentence (*In re Harris* (1989) 49 Cal.3d 131, 134, fn. 2), the five year enhancement for defendant’s prior juvenile adjudication, in light of the express language in Penal Code section 667, subdivision (d), limiting its reach to subdivisions (b) through (i), inclusive.

The request for an order directing publication of the opinion is denied.

Kennard, J., and Werdegar, J., are of the opinion the petition should be granted.”

**S118485**

F039775 Fifth Appellate District

## LUPARELLO (THOMAS) ON H.C.

Petition for review denied

**S118499**

C044650 Third Appellate District

## FARRIS ON H.C.

Petition for review denied

**S118634**

H022984 Sixth Appellate District

## PEOPLE v. PUGH (DARRYL ERIC)

Petition for review denied

**S118636**

H024946 Sixth Appellate District

## PUGH (DARRYL ERIC) ON H.C.

Petition for review denied

**S118702**B162076 Second Appellate District,  
Division One

## PEOPLE v. GODOY

Petitions for review denied

**S118772**  
C025395 Third Appellate District

PLUMMER v. PARKS  
Petition for review denied

**S118798**  
C042145 Third Appellate District

WHELIHAN v. ESPINOZA  
Petition for review denied

Kennard, J., and Werdegar, J., are of the opinion  
the petition should be granted.

**S118861**  
B164287 Second Appellate District,  
Division Five

C. (ANNA), IN RE  
Petition for review & publication request denied

**S118895**  
G030931 Fourth Appellate District,  
Division Three

MCKEE v. ORANGE UNIFIED SCHOOL DISTRICT  
Petition for review denied

**S118931**  
B161635 Second Appellate District,  
Division Five

ASH v. KAISER FOUNDATION HEALTH PLAN  
Petition for review denied

Werdegar, J., was recused and did not  
participate.

**S118939**  
B160784 Second Appellate District,  
Division Five

NJD LTD. v. CITY OF SAN DIMAS  
Petition for review denied

**S118987**  
B163795 Second Appellate District,  
Division Seven

PEOPLE v. HODGSON  
Petition for review denied

**S119012**  
B156742 Second Appellate District,  
Division Two

PEOPLE v. VELASQUEZ  
Petitions for review denied

**S119013**  
F040259 Fifth Appellate District

PEOPLE v. PRINGLE  
Petition for review denied

**S119026**

D040588 Fourth Appellate District,  
Division One

PEOPLE v. MARTINEZ  
Petition for review denied

**S119027**

H024317 Sixth Appellate District  
H025897

PEOPLE v. LEE  
Petition for review denied

**S119029**

H025897 Sixth Appellate District  
H024317

ROUNDTREE (EMMANUEL) ON H.C.  
Petition for review denied

**S119034**

B148748 Second Appellate District,  
Division Four

PEOPLE v. ANDERSON  
Petition for review denied

**S119035**

A100401 First Appellate District,  
Division One

FOLGER, ESTATE OF  
Petition for review denied

**S119051**

A103756 First Appellate District,  
Division Four

WOODS v. S.C. (PEOPLE)  
Petition for review denied

**S119056**

C043884 Third Appellate District

ZHOU & JIANG, MARRIAGE OF  
Petition for review denied

**S119060**

F040510 Fifth Appellate District

PEOPLE v. TIEDJE  
Petition for review denied

**S119068**

C040901 Third Appellate District

PEOPLE v. PHILLIPS  
Petition for review denied

**S119081**

B144044 Second Appellate District,  
Division Seven

PEOPLE v. KRATZ  
Petition for review denied

**S119086**

A099735 First Appellate District,  
Division Four

VELACRUZ v. SAN FRANCISCO, CITY & COUNTY  
Petition for review denied

**S119149**

B160114 Second Appellate District,  
Division Four

**WOODLIFF v. CALIFORNIA INSURANCE**

Petition for review & depublication request denied

Request for judicial notice denied.

Kennard, J., is of the opinion the petition should  
be granted.

**S119159**

A098699 First Appellate District,  
Division Two

**PEOPLE v. VERDUZCO**

Petition for review denied

**S119180**

B157983 Second Appellate District,  
Division Five

**PEOPLE v. GILBEAUX**

Petition for review denied

**S119187**

H026352 Sixth Appellate District

**CARO v. S.C. (PEOPLE)**

Petition for review denied

**S119188**

B158405 Second Appellate District,  
Division Five

**LAMBROS v. METROPOLITAN LIFE INS. CO.**

Petition for review denied

**S119190**

B149939 Second Appellate District,  
Division Five

**PEOPLE v. HANOLD**

Petition for review denied

**S119196**

H023963 Sixth Appellate District

**PEOPLE v. URIBE**

Petition for review denied

**S119198**

A103783 First Appellate District,  
Division Four

**BEASLEY (WILLIE R.) ON H.C.**

Petition for review denied

**S119199**

A091576 First Appellate District,  
Division Three

**PEOPLE v. NGUYEN**

Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to  
published in the Official Appellate Reports the

opinion in the above entitled appeal filed August 13, 2003, which appears at 111 Cal.App.4th 184. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

**S119203**

B169629 Second Appellate District,  
Division Five

FIRE INSURANCE EXCHANGE v. S.C. (FIGUEROA)  
Petition for review denied

**S119218**

F040587 Fifth Appellate District

PEOPLE v. ANDRADE  
Petition for review denied

**S119219**

C041862 Third Appellate District

PEOPLE v. SHARPE  
Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

**S119225**

B162003 Second Appellate District,  
Division Five

PEOPLE v. FOSTER  
Petition for review denied

**S119228**

A097203 First Appellate District,  
Division Two

PEOPLE v. WASHINGTON  
Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

**S119241**

B160695 Second Appellate District,  
Division Six

PEOPLE v. DIAZ  
Petition for review denied

**S119249**

E032585 Fourth Appellate District,  
Division Two

FREEMAN v. WAL-MART STORES  
Petition for review & depublication request denied

**S119255**

A100165 First Appellate District,  
Division Five

HALL v. HALL  
Petition for review denied

**S119270**  
H024264 Sixth Appellate District

PEOPLE v. STEVENSON  
Petition for review denied

**S119271**  
E031875 Fourth Appellate District,  
Division Two

PEOPLE v. HERNANDEZ  
Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

**S119274**  
H025131 Sixth Appellate District

STEVENSON (KEVIN JAMES) ON H.C.  
Petition for review denied

**S119280**  
B155309 Second Appellate District,  
Division Two

WAGNER v. BANK OF AMERICA  
Petition for review & publication request denied

Chin, J., was recused and did not participate.

**S119287**  
B155739 Second Appellate District,  
Division Eight

DURANT v. LOS ANGELES  
Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed August 15, 2003, which appears at 111 Cal.App.4th 386. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

**S119288**  
B169505 Second Appellate District,  
Division Two

DILLINGHAM-RAY WILLSON v. S.C. (LOS ANGELES, CITY OF)  
Petition for review denied

**S119290**  
D039953 Fourth Appellate District,  
D041060 Division One

CACHO v. JOHNSON  
Petition for review denied

**S119298**  
C043188 Third Appellate District

PEOPLE v. SANDERS  
Petition for review denied

**S119301**

D042723 Fourth Appellate District,  
Division One

**CACHO v. S.C. (BOUDREAU)**

Petition for review denied

**S119316**

H023433 Sixth Appellate District

**PEOPLE v. NGUYEN**

Petitions for review denied

**S119319**

B155924 Second Appellate District,  
Division Seven

**PEOPLE v. TAYLOR**

Petition for review denied

**S119320**

H024890 Sixth Appellate District

**PEOPLE v. DIGIROLAMO**

Petition for review denied

Petition for review DENIED without prejudice  
to filing of an original petition for writ of habeas  
corpus.

Kennard, J., is of the opinion the petition should  
be granted.

**S119323**

F043597 Fifth Appellate District

**SMITH v. S.C. (PEOPLE)**

Petition for review denied

**S119324**

F041050 Fifth Appellate District

**PEOPLE v. PELHAM**

Petition for review denied

**S119325**

G030133 Fourth Appellate District,  
Division Three

**PEOPLE v. SANTORO**

Petition for review denied

**S119326**

B160440 Second Appellate District,  
Division Two

**PEOPLE v. COLLINS**

Petition for review denied

**S119329****SCHMIDT v. CA 3 (DISTRICT ATTORNEY)**

Application for stay & petition for writ of mandate  
denied.

**S119330**

E031621 Fourth Appellate District,  
Division Two

PEOPLE v. PRINCE

Petition for review denied

**S119331**

B164246 Second Appellate District,  
Division One

PEOPLE v. CAMPBELL

Petition for review denied

**S119336**

A099266 First Appellate District,  
Division One

PEOPLE v. ANDERSON

Petition for review denied

**S119341**

B160074 Second Appellate District,  
Division Six

PEOPLE v. PAPAZYAN

Petition for review denied

**S119345**

D040045 Fourth Appellate District,  
Division One

PEOPLE v. AUSTIN

Petition for review denied

**S119346**

C042490 Third Appellate District

D.- J. (S.), IN RE

Petition for review denied

**S119348**

A100528 First Appellate District,  
Division Three

LEE v. S.C. (MCKENZIE)

Petition for review denied

**S119349**

B161874 Second Appellate District,  
Division Three

PEOPLE v. HOLLIE

Petition for review denied

**S119351**

C043145 Third Appellate District

PEOPLE v. MARTINEZ

Petition for review denied

**S119353**

H024842 Sixth Appellate District

PEOPLE v. REYES

Petition for review denied



**S119355**

A100141 First Appellate District,  
Division One

PEOPLE v. PHILLIPS

Petition for review denied

**S119357**

H024871 Sixth Appellate District

SAN JOSE PARKING v. S.C. (SAN JOSE REDEV.)

Petition for review denied

**S119358**

C040665 Third Appellate District

MIRZADA v. DEPT. OF TRANSPORTATION

Petition for review denied

**S119359**

D042555 Fourth Appellate District,  
Division One

WOODS (EARNEST C.) ON H.C.

Petition for review denied

**S119360**

B164533 Second Appellate District,  
Division Five

P. (KESHAWN), IN RE

Petition for review denied

**S119363**

A100763 First Appellate District,  
Division Four

LILLYBRIDGE v. AMERICAN TRANS AIR

Petition for review denied

**S119366**

B162897 Second Appellate District,  
Division One

PEOPLE v. BELL

Petition for review denied

**S119370**

G029581 Fourth Appellate District,  
Division Three

PEOPLE v. D'SAACHS

Petition for review denied

**S119372**

G030110 Fourth Appellate District,  
Division Three

PEOPLE v. MARGARETICH

Petition for review denied

**S119374**

G031361 Fourth Appellate District,  
Division Three

MORAN v. BROOKSTONE COMPANY

Petition for review denied

**S119379**

B160200 Second Appellate District,  
Division One

PEOPLE v. ROLLISON  
Petition for review denied

**S119382**

H025787 Sixth Appellate District

ZENDEJAS v. SANTA CLARA COUNTY  
Petition for review denied

**S119383**

F040016 Fifth Appellate District

MOORE v. WAL-MART STORES INC.  
Petition for review denied

**S119384**

B162137 Second Appellate District,  
Division Six

PEOPLE v. OSORIO  
Petition for review denied

**S119385**

H024936 Sixth Appellate District

PEOPLE v. COLE  
Petition for review denied

**S119387**

B160994 Second Appellate District,  
Division One

PEOPLE v. JOHNSON  
Petition for review denied

**S119388**

B161004 Second Appellate District,  
Division One

PEOPLE v. JACKSON  
Petition for review denied

**S119389**

A099352 First Appellate District,  
Division Three

PEOPLE v. TERRY  
Petition for review denied

**S119392**

C041652 Third Appellate District

PEOPLE v. HERZOG  
Petition for review denied

**S119393**

H024893 Sixth Appellate District

PEOPLE v. RICHARD  
Petition for review denied

**S119395**

B160432 Second Appellate District,  
Division Three

PEOPLE v. CABRERA  
Petition for review denied

**S119396**

B159074 Second Appellate District,  
Division One

PEOPLE v. GANDY

Petition for review denied

**S119398**

D040215 Fourth Appellate District,  
Division One

PEOPLE v. SCOTT

Petition for review denied

**S119402**

A100186 First Appellate District,  
Division Three

PEOPLE v. NIELSEN

Petition for review denied

**S119403**

B165722 Second Appellate District,  
Division Five

B. (CATILIA), IN RE

Petition for review denied

**S119424**

B169720 Second Appellate District,  
Division Eight

INGERSON v. S.C. (PEOPLE)

Petition for review denied

**S119428**

C041108 Third Appellate District

PEOPLE v. MENDEZ

Petition for review denied

**S119432**

B156946 Second Appellate District,  
Division Six

MIKOL v. CELAYA

Petition for review denied

**S119447**

B159685 Second Appellate District,  
Division Four

PEOPLE v. SAAD

Petition for review denied

**S119449**

B158719 Second Appellate District,  
Division Two

PEOPLE v. COBURN

Petition for review denied

**S119458**

G028983 Fourth Appellate District,  
Division Three

PEOPLE v. GAMACHE

Petition for review denied

<b>S119460</b> F039959 Fifth Appellate District	PEOPLE v. GRAYES Petition for review denied
<b>S119463</b> B163208 Second Appellate District, Division Three	S., (COREY), IN RE Petition for review denied
<b>S119464</b> B159301 Second Appellate District, Division One	PEOPLE v. BRUCE Petition for review denied
<b>S119465</b> B159601 Second Appellate District, Division Eight	PEOPLE v. BROWN Petition for review denied
<b>S119467</b> B161021 Second Appellate District, Division One	PEOPLE v. MARIN Petition for review denied
<b>S119472</b> B163944 Second Appellate District, Division Four	PEOPLE v. LONDO Petition for review denied
<b>S119473</b> A099239 First Appellate District, Division Three	PEOPLE v. SMITH Petition for review denied
<b>S119474</b> B159676 Second Appellate District, Division Eight	PEOPLE v. PRICE Petition for review denied
<b>S119475</b> G032379 Fourth Appellate District, Division Three	MCDUFFIE v. W.C.A.B. (EAGLE MARINE) Petition for review denied  Request for judicial notice denied.
<b>S119479</b> H024489 Sixth Appellate District	PEOPLE v. ADAMS Petition for review denied

**S119480**

B158660 Second Appellate District,  
Division Four

PEOPLE v. VALVERDE

Petition for review denied

**S119481**

B160224 Second Appellate District,  
Division Six

PEOPLE v. RODRIGUEZ

Petition for review denied

**S119482**

E032359 Fourth Appellate District,  
Division Two

PEOPLE v. ARECHIGA

Petition for review denied

**S119488**

G032742 Fourth Appellate District,  
Division Three

TESTA ENTERPRISES v. W.C.A.B. (DELAGARZA)

Petition for review denied

**S119490**

B163918 Second Appellate District,  
Division Two

PEOPLE v. WAYNE

Petition for review denied

**S119494**

B160996 Second Appellate District,  
Division Two

PEOPLE v. CONTRERAS

Petition for review denied

**S119495**

B161873 Second Appellate District,  
Division Two

PEOPLE v. SOLIS

Petition for review denied

**S119496**

B159292 Second Appellate District,  
Division Two

PEOPLE v. ELIZARRARAZ

Petition for review denied

**S119497**

A097733 First Appellate District,  
Division Five

PEOPLE v. RODRIGUEZ

Petition for review denied

**S119509**

A098937 First Appellate District,  
Division Three

PEOPLE v. MURRAY

Petition for review denied

**S119515**

F039974 Fifth Appellate District

PEOPLE v. URQUIDI

Petition for review denied

**S119518**

C044811 Third Appellate District

BRIDGES (MONTE LEE) ON H. C.

Petition for review denied

**S119522**

H024574 Sixth Appellate District

PEOPLE v. RED

Petition for review denied

**S119524**B161304 Second Appellate District,  
Division One

PEOPLE v. LEWIS

Petition for review denied

**S119531**A100223 First Appellate District,  
Division Three

R. (STEVEN), IN RE

Petition for review denied

**S119532**D040667 Fourth Appellate District,  
Division One

FLOWER v. PEP BOYS

Petition for review denied

**S119533**A103177 First Appellate District,  
Division Four

SAN CARLOS, CITY OF v. W.C.A.B. (BRUSATORI)

Petition for review denied

**S119536**A099809 First Appellate District,  
Division One

PEOPLE v. SIMS

Petition for review denied

**S119540**A103984 First Appellate District,  
Division Four

HERSHIPS v. S.C. (NIEMIER)

Petition for review denied

Request for judicial notice denied.

**S119541**E032856 Fourth Appellate District,  
Division Two

H. (BRITTANY), IN RE

Petition for review denied

**S119542**

B157448 Second Appellate District,  
Division Seven

## PEOPLE v. JOHNSON

Petition for review denied

**S119543**

D035365 Fourth Appellate District,  
Division One

## PEOPLE v. PONCE

Petition for review denied

**S119545**

B169975 Second Appellate District,  
Division Three

## WATERS (MICHAEL LYNN) ON H.C.

Petition for review denied

**S119553**

E032236 Fourth Appellate District,  
Division Two

## PEOPLE v. FLORES

Petitions for review denied

**S119554**

B161810 Second Appellate District,  
Division Three

## PEOPLE v. MARTINEZ

Petition for review denied

**S119557**

B170008 Second Appellate District,  
Division Five

## GADLIN (GREGORY) ON CORAM VOBIS

Petition for review denied

**S119558**

F041690 Fifth Appellate District

## PEOPLE v. AVILA

Petition for review denied

**S119560**

B159756 Second Appellate District,  
Division Three

## FORD v. APPEL GATE

Petition for review denied

**S119562**

F040513 Fifth Appellate District

## PEOPLE v. PLUNKETT

Petition for review denied

**S119564**

C041529 Third Appellate District

## PEOPLE v. GATHRIGHT

Petition for review denied

**S119566**  
C039310 Third Appellate District

PEOPLE v. BLAMEY  
Petition for review denied

**S119568**  
A100550 First Appellate District,  
Division Three

PEOPLE v. WHALEY  
Petition for review denied

**S119572**  
A099935 First Appellate District,  
Division Five

PEOPLE v. FRANZ  
Petition for review denied

**S119577**  
A099501 First Appellate District,  
Division Three

PEOPLE v. ABREU  
Petition for review denied

**S119581**  
E031985 Fourth Appellate District,  
Division Two

DAWODU v. LOZANO  
Petition for review denied

**S119582**  
B162969 Second Appellate District,  
Division Five

PEOPLE v. MURPHY  
Petition for review denied

**S119583**  
F040862 Fifth Appellate District

PEOPLE v. NEVAREZ  
Petition for review denied

**S119584**  
B155599 Second Appellate District,  
Division Five

PEOPLE v. JONES  
Petition for review denied

**S119586**  
A099619 First Appellate District,  
Division Four

MILES v. DEPARTMENT OF CORRECTIONS  
Petition for review denied

**S119587**  
G030857 Fourth Appellate District,  
Division Three

SHEETS v. BANK OF AMERICA  
Petition for review denied

Chin, J., was recused and did not participate.



<b>S119589</b> B158408 Second Appellate District, Division Four	KILROY, MARRIAGE OF Petition for review denied
<b>S119590</b> B164994 Second Appellate District, Division One	J. (CHARLES), IN RE Petition for review denied
<b>S119592</b> E032433 Fourth Appellate District, Division Two	PEOPLE v. HARPER Petition for review denied
<b>S119593</b> H024558 Sixth Appellate District	GILBERT v. GREMMINGER Petition for review denied
<b>S119601</b> F040371 Fifth Appellate District	PEOPLE v. WILSON Petition for review denied
<b>S119602</b> F040680 Fifth Appellate District	PEOPLE v. VALDEZ Petition for review denied
<b>S119607</b> E031705 Fourth Appellate District, Division Two	PEOPLE v. WILLIAMS Petition for review denied
<b>S119612</b> C041727 Third Appellate District	H., (THOMAS), IN RE Petition for review denied
<b>S119614</b> B161453 Second Appellate District, Division One	GREEN v. GRANOFF Petition for review denied
<b>S119615</b> H026026 Sixth Appellate District	PEOPLE v. UMBLE Petition for review denied
<b>S119618</b> G028665 Fourth Appellate District, G032052 Division Three	PEOPLE v. JUAREZ Petition for review denied

**S119619**

B162630 Second Appellate District,  
Division Eight

KOHR & FISKE v. KWALWASSER

Petition for review denied

**S119620**

G029020 Fourth Appellate District,  
Division Three

CALLAN et al. v. CITY OF LAGUNA BEACH et al.

Petition for review denied

**S119625**

B165569 Second Appellate District,  
Division One

PEOPLE v. VASQUEZ

Petition for review denied

**S119626**

A100811 First Appellate District,  
Division Five

PEOPLE v. WILLIAMS

Petition for review denied

**S119632**

G032492 Fourth Appellate District,  
Division Three

PLAYBADMINTON.COM v. S.C. (CHEW)

Petition for review and application for stay denied

**S119633**

F043766 Fifth Appellate District

PATTON (MICHAEL) ON H.C.

Petition for review denied

**S119634**

E032876 Fourth Appellate District,  
Division Two

JALEH v. ALFORD

Petition for review denied

**S119636**

E032259 Fourth Appellate District,  
Division Two

PEOPLE v. PAREDES

Petition for review denied

**S119639**

B160641 Second Appellate District,  
Division Three

HILL v. LOS ANGELES

Petition for review denied

**S119640**

D042054 Fourth Appellate District,  
Division One

ABATTI v. S.C. (PEOPLE)

Petition for review & depublication request denied

**S119641**

F039075 Fifth Appellate District

PEOPLE v. BURNS

Petition for review denied

**S119642**

C039884 Third Appellate District

PEOPLE v. CHAPMAN

Petition for review denied

**S119647**E031728 Fourth Appellate District,  
Division Two

PEOPLE v. HARRIS

Petition for review denied

**S119654**B169802 Second Appellate District,  
Division Two

DOE v. S.C. (BLUE CROSS)

Petition for review denied

**S119655**

C040488 Third Appellate District

PEOPLE v. VAUGHN

Petition for review denied

**S119660**

H026096 Sixth Appellate District

DARRIGO v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S119661**E033003 Fourth Appellate District,  
Division Two

WALKER v. WASHINGTON MUTUAL BANK, F.A.

Petition for review denied

**S119662**B159433 Second Appellate District,  
Division One

PEOPLE v. GUTIERREZ

Petition for review denied

**S119663**B155044 Second Appellate District,  
Division OneSAFIESLAMY v. STATE DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL

Petition for review denied

**S119664**E032439 Fourth Appellate District,  
Division Two

PEOPLE v. FORD

Petition for review denied

**S119665**B160129 Second Appellate District,  
Division Three

BROWN v. BALLY TOTAL FITNESS CORP.

Petition for review denied

**S119668**

E032249 Fourth Appellate District,  
Division Two

**WEBB v. LOUW**

Petition for review denied

**S119686**

C042286 Third Appellate District

**PEOPLE v. SKAINS**

Petition for review denied

**S119714**

F040209 Fourth Appellate District,  
Division One

**PEOPLE v. ELLIS**

Petition for review denied

**S119840**

C045063 Third Appellate District

**RIGGI v. S.C. (PEOPLE)**

Petition for review and application for stay denied

**S119952**

B170451 Second Appellate District,  
Division Eight

**HAVRILLA v. S.C. (PEOPLE)**

Petition for review and application for stay denied

**S120018**

A104092 First Appellate District,  
Division Two

**PETERSON v. S.C. (TORRE)**

Petition for review and application for stay denied

**S120125**

B160289 Second Appellate District,  
Division Seven

**DARIAN v. FEDERICO**

Petition for review and application for stay denied

**S120126**

B160290 Second Appellate District,  
Division Seven

**DARIAN v. FEDERICO**

Petition for review and application for stay denied

**S120163**

B170282 Second Appellate District,  
Division Five

**GADLIN v. S.C. (PEOPLE)**

Petition for review denied

**S120206**

F043925 Fifth Appellate District

**HURTADO v. S.C. (TULARE)**

Petition for review and application for stay denied

**S120251**  
B170079 Second Appellate District,  
Division Two

FULLER-AUSTIN INSULATION v. HIGHLANDS  
INSURANCE CO.  
Petition for review and application for stay denied

**S108858**

DURAN (OSCAR) ON H.C.  
Petition for writ of habeas corpus denied

**S110641**

PEPPER (RONALD E.) ON H.C.  
Petition for writ of habeas corpus denied

**S112712**

HALL (ERIC) ON H.C.  
Petition for writ of habeas corpus denied

**S112791**

CECRLE (DOUGLAS L.) ON H.C.  
Petition for writ of habeas corpus denied

**S112801**

SERVIN (JOSE DANIEL) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S112886**

KENNEDY (DWAYNE F.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S113044**

SCHUERFELD (RONALD) ON H.C.  
Petition for writ of habeas corpus denied

**S113199**

FOSTER (RONALD PAUL) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S113286**

ARREOLA (JESUS) ON H.C.  
Petition for writ of habeas corpus denied

**S113327**

SEAWRIGHT (MICHAEL W.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S113353**

ALVAREZ (JOSE) ON H.C.  
Petition for writ of habeas corpus denied

<b>S113356</b>	BARRETT (ROBERT E.) ON H.C. Petition for writ of habeas corpus denied
<b>S113451</b>	IRONS (CARL MERTON) ON H.C. Petition for writ of habeas corpus denied
<b>S113565</b>	SCOTT (SHANNON) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113727</b>	GOMEZ (PEDRO) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113752</b>	PEEBLES (KEVIN) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113767</b>	WATSON (ROBERT) ON H.C. Petition for writ of habeas corpus denied
<b>S113768</b>	SCOTT (LIONEL) ON H.C. Petition for writ of habeas corpus denied
<b>S113938</b>	ROJAS (RANDALL L.) ON H.C. Petition for writ of habeas corpus denied
<b>S113951</b>	FOSTER (ERIC JAMES) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114239</b>	DYER (ALFRED R.) ON H.C. Petition for writ of habeas corpus denied
<b>S114327</b>	BENNETT (JOSEPH MURL) ON H.C. Petition for writ of habeas corpus denied
<b>S114402</b>	BRAZILE (BRIAN RAY) ON H.C. Petition for writ of habeas corpus denied

<b>S114408</b>	JOURNIGAN (RANDY) ON H.C. Petition for writ of habeas corpus denied
<b>S114416</b>	PADGETT (GLENN) ON H.C. Petition for writ of habeas corpus denied
<b>S114445</b>	NELSON (WILLIE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114448</b>	MILLER (JOE THOMAS) ON H.C. Petition for writ of habeas corpus denied
<b>S114453</b>	FREEMAN (KAREN) ON H.C. Petition for writ of habeas corpus denied
<b>S114462</b>	NEDLEY (DAVID B.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114465</b>	SMITH (DARYL D.) ON H.C. Petition for writ of habeas corpus denied
<b>S114466</b>	BENSON (JAMES P.) ON H.C. Petition for writ of habeas corpus denied
<b>S114467</b>	ROSAS (ELIAS) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114475</b>	MURPHY (ANDRE L.) ON H.C. Petition for writ of habeas corpus denied
<b>S114482</b>	CHAVEZ (ALFREDO N.) ON H.C. Petition for writ of habeas corpus denied
<b>S114483</b>	JONES (BYRON C.) ON H.C. Petition for writ of habeas corpus denied with citation(s)

<b>S114484</b>	MCCULLOUGH (DWIGHT) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114485</b>	WELCH (EUGENE E.) ON H.C. Petition for writ of habeas corpus denied
<b>S114492</b>	HYSELL (DOUGLAS W.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114496</b>	RICHMOND (JOHNNIE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114501</b>	WYRICK (TIMOTHY) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114503</b>	ZAMORA (RICHARD) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114506</b>	SMITH (JIMMIE ALLEN) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114513</b>	LOUD (DEREK) ON H.C. Petition for writ of habeas corpus denied
<b>S114517</b>	GREENE (CLARENCE B.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114523</b>	DOUGLASS (DONALD S.) ON H.C. Petition for writ of habeas corpus denied
<b>S114541</b>	MOORE (LARRY) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114542</b>	TAYLOR (CHARLES) ON H.C. Petition for writ of habeas corpus denied



<b>S114543</b>	THOMPSON (BERTRAND) ON H.C. Petition for writ of habeas corpus denied
<b>S114549</b>	HOLMES (TORRANCE T.) ON H.C. Petition for writ of habeas corpus denied
<b>S114554</b>	EVANS (ROBERT JAMES) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114558</b>	DAVIS (MICHAEL) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114578</b>	ALDHIZER (KENNETH E.) ON H.C. Petition for writ of habeas corpus denied
<b>S114584</b>	SCOTT (MICHAEL T.) ON H.C. Petition for writ of habeas corpus denied
<b>S114585</b>	WASHINGTON (DONALD) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114587</b>	OLIVARES (JOSE) ON H.C. Petition for writ of habeas corpus denied
<b>S114591</b>	MOYA (BASILIO) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114610</b>	JOHNSON (PAUL DAVID) ON H.C. Petition for writ of habeas corpus denied
<b>S114616</b>	HENRY (CHARLES) ON H.C. Petition for writ of habeas corpus denied
<b>S114618</b>	BURKE (ANTHONY E.) ON H.C. Petition for writ of habeas corpus denied with citation(s)

<b>S114623</b>	SOLETTI (JASON) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114629</b>	TRUJILLO (LUIS ENRIQUE) ON H.C. Petition for writ of habeas corpus denied
<b>S114648</b>	WOODS (LORI ANN) ON H.C. Petition for writ of habeas corpus denied
<b>S114663</b>	QUILLAR (LEE) ON H.C. Petition for writ of habeas corpus denied
<b>S114666</b>	FLORES (DAVID LOUIS) ON H.C. Petition for writ of habeas corpus denied
<b>S114667</b>	NAVA (FABIAN) ON H.C. Petition for writ of habeas corpus denied
<b>S114675</b>	GARCIA (MANUEL A.) ON H.C. Petition for writ of habeas corpus denied
<b>S114677</b>	TOOKS (OTIS) ON H.C. Petition for writ of habeas corpus denied
<b>S114679</b>	GENTLE (NORMAN) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114681</b>	SOLIS (ANTHONY C.) ON H.C. Petition for writ of habeas corpus denied
<b>S114688</b>	SHIVERS (ANTHONY ROY) ON H.C. Petition for writ of habeas corpus denied
<b>S114689</b>	ESLAMI (NATHAN) ON H.C. Petition for writ of habeas corpus denied

**S114700**VALENZUELA (ARTHUR) ON H.C.  
Petition for writ of habeas corpus denied**S114713**LAURIE (LARRY NEAL) ON H.C.  
Petition for writ of habeas corpus denied**S114716**SMITH (CHARLES F.) ON H.C.  
Petition for writ of habeas corpus denied**S114723**CASTRO (HECTOR) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)**S114726**BARNES (ROMAN E.) ON H.C.  
Petition for writ of habeas corpus denied**S114813**DIXON (DEMONTE M.) ON H.C.  
Petition for writ of habeas corpus denied**S114815**MOORE (KEVIN E.) H.C.  
Petition for writ of habeas corpus denied with citation(s)**S114817**MOULTON (ROBERT DALE) ON H.C.  
Petition for writ of habeas corpus denied**S114821**HAMILTON (MARQUES D.) ON H.C.  
Petition for writ of habeas corpus denied**S114822**ROSS (STUART) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S114834**JARAMILLO (TOBY) ON H.C.  
Petition for writ of habeas corpus denied

**S114847**

CARTER (RELIOUS) ON H.C.  
Petition for writ of habeas corpus denied

**S114858**

HYNISON (WILLIAM A) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S114861**

BURRIS (CHRISTOPHER E.) ON H.C.  
Petition for writ of habeas corpus denied

**S114864**

RUIZ (JUVENAL I.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S114975**

REDDICK (TONY SELWN) ON H.C.  
Petition for writ of habeas corpus denied

**S114977**

MORRIS (WILLIE) ON H.C.  
Petition for writ of habeas corpus denied

**S115026**

TRUJILLO (LUIS E.) ON H.C.  
Petition for writ of habeas corpus denied

**S116196**

CASTRO (HECTOR) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S117157**

PUGA (RUBEN J.) ON H.C.  
Petition for writ of habeas corpus denied

**S117246**

WELCH (EUGENE E.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S117588**

CARRERA (ARTHUR A.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

<b>S117594</b>	ROBERTSON (HAROLD) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S117810</b>	ROBERTSON (HAROLD) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S117974</b>	WOOLRIDGE (JOSHUA T.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S118664</b>	CASTRO (HECTOR) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S118665</b>	CASTRO (HECTOR) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S119317</b>	NGUYEN (SON HIEU) ON H.C. Petition for writ of habeas corpus denied  Request for judicial notice granted.
<b>S119658</b>	NGUYEN (TED V.) ON H.C. Petition for writ of habeas corpus denied
<b>S119985</b>	BENYAMINI (ROBERT) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S118223</b> E031835 Fourth Appellate District, Division Two	PAYNE v. COUNTY OF SAN BERNARDINO Publication request denied (case closed)
<b>S118582</b> D041720 Fourth Appellate District, Division One	S., (JAMES), IN RE Publication request denied (case closed)
<b>S118732</b> A098729 First Appellate District, Division Five	J. H. MCKNIGHT RANCH v. FRANCHISE TAX Depublication request denied (case closed)

**S119128**

B153730 Second Appellate District,  
Division One

## PADGETT v. ERNST &amp; YOUNG

Publication request denied (case closed)

**S119222**

A100582 First Appellate District,  
Division Two

## PEOPLE v. GORDON

Publication request denied (case closed)

**S119284**

B164576 Second Appellate District,  
Division Two

## HERNANDEZ (JORGE LUIS) ON H.C.

Publication request denied (case closed)

**S119300**

E031437 Fourth Appellate District,  
Division Two

## PEOPLE v. YUM

Time extended to grant or deny review

to December 24, 2003

**S014200**

## PEOPLE v. DUNKLE (JON SCOTT)

Extension of time granted

to November 19, 2003 to file the supplemental appellant's reply brief. Extension is granted based upon counsel Michael Dashjian's representation that he anticipates filing that brief by 11/19/2003. After that date, no further extension will be granted.

**S015008**

## PEOPLE v. SCHMECK (MARK L.)

Extension of time granted

to November 24, 2003 to file respondent's brief. Extension is granted based upon Deputy Attorney General Violet M. Lee's representation that she anticipates filing that brief by 11/24/2003. After that date, no further extension will be granted.

**S019697**

PEOPLE v. WARD (CARMEN)  
Extension of time granted

to January 5, 2004 to file respondent's brief. After that date, only one further extension totaling 20 additional days will be granted. Extension is granted based upon Deputy Attorney General Kenneth N. Sokoler's representation that he anticipates filing that brief by 1/25/2004.

**S029011**

PEOPLE v. SOLOMON (MORRIS, JR.)  
Extension of time granted

to January 2, 2004 to file appellant's opening brief. After that date, only one further extension totaling 60 additional days will be granted. Extension is granted based upon counsel Bruce Eric Cohen's representation that he anticipates filing that brief by 2/29/2004. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S042224**

PEOPLE v. CRUZ (THOMAS V.)  
Extension of time granted

to January 2, 2004 to file appellant's reply brief. The court anticipates that after that date, only two further extensions totaling 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S042323**

PEOPLE v. BURNEY (SHAUN K.)  
Extension of time granted

to January 13, 2004 to file appellant's reply brief. After that date, only five further extensions totaling 280 additional days will be

granted. Extension is granted based upon counsel Geraldine S. Russell's representation that she anticipates filing that brief. by 10/25/2004.

**S044834**

PEOPLE v. JOHNS (RAYMOND F.)

Extension of time granted

to January 5, 2004 to file appellant's opening brief. After that date, only one further extension totaling 30 additional days will be granted. Extension is granted based upon counsel William Flenniken, Jr.'s representation that he anticipates filing that brief by 1/31/2004. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S045982**

PEOPLE v. AVILA (JOHNNY, JR.)

Extension of time granted

to January 9, 2004 to file appellant's reply brief.

**S048337**

PEOPLE v. THOMAS (REGIS)

Extension of time granted

to January 12, 2004 to file appellant's opening brief. The court anticipates that after that date, only three further extensions totaling 180 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S050455**

PEOPLE v. BEAMES (JOHN M.)

Extension of time granted

to January 6, 2004 to file appellant's reply brief. After that date, only two further extensions



totaling 120 additional days will be granted. Extension is granted based upon counsel Barry L. Morris's representation that he anticipates filing that brief by 4/30/2004. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it. Counsel is also ordered to submit confidential status reports monthly until the filing of the appellant's reply brief.

**S051451****PEOPLE v. VALENCIA (ALFREDO)**

Extension of time granted

to January 12, 2004 to file appellant's opening brief. The court anticipates that after that date, only 2 further extensions totaling 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S052520****PEOPLE v. WILLIAMS (DEXTER)**

Extension of time granted

to January 6, 2004 to file appellant's reply brief. After that date, only two further extensions totaling 90 additional days will be granted. Extension is granted based upon counsel Barry L. Morris's representation that he anticipates filing that brief by 3/31/2004. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any separate counsel of record, of this schedule, and to take all steps necessary to meet it. Counsel is also ordered to submit confidential status reports monthly until the filing of the appellant's reply brief.

**S057063**

PEOPLE v. ELLIOT (MICHAEL)

Extension of time granted

to January 2, 2004 to file appellant's opening brief. Extension is granted based upon counsel Barry L. Morris's representation that he anticipates filing that brief by 1/2/2004. After that date, no further extension will be granted.

**S058489**

PEOPLE v. CAREY (DEWAYNE M.)

Extension of time granted

to January 6, 2004 to file appellant's opening brief. The court anticipates that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S060803**

PEOPLE v. MUNGIA (JOHN)

Extension of time granted

to January 12, 2004 to file appellant's opening brief. The court anticipates that after that date, only 2 further extensions totaling 90 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S065573**

PEOPLE v. BECERRA (FRANK K)

Extension of time granted

to January 5, 2004 to file appellant's opening brief. The court anticipates that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, if this schedule, and to take all steps necessary to meet it.

**S067394**

PEOPLE v. CAPISTRANO (JOHN L.)

Extension of time granted

to January 12, 2004 to file appellant's opening brief. The court anticipates that after that date, only 2 further extensions totaling 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S068536**

PEOPLE v. MCWHORTER (RICHARD)

Extension of time granted

to January 12, 2004 to file appellant's opening brief. The court anticipates that after that date, only 2 further extensions totaling 90 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S089623**

PEOPLE v. WILSON (LESTER)

Extension of time granted

to January 5, 2004 to file appellant's opening brief. After that date, no further extension is contemplated. Extension is granted based upon counsel Patrick Morgan Ford's representation that he anticipates filing that brief by 1/3/2004.

**S110741**

PADILLA (ALFREDO A.) ON H.C.

Extension of time granted

to December 10, 2003 to file the reply to the informal response to the petition for writ of habeas corpus. The court anticipates that after that date, only one further extension totaling 30 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or

entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S112862**

B152928 Second Appellate District,  
Division One

GRAHAM v. DAIMLERCHRYSLER CORPORATION  
Extension of time granted

On application of amicus curiae Consumer Union of U.S., Inc. and good cause appearing, it is ordered that the time to serve and file its amicus curiae brief in support of respondents herein is extended to and including November 12, 2003. An answer may be filed by any party within 20 days of the filing of the brief.

**S113371**

SLAUGHTER (MICHAEL C.) ON H.C.  
Extension of time granted

to December 8, 2003 to file the reply to the informal response to the petition for writ of habeas corpus. The court anticipates that after that date, only two further extensions totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S116554**

AVILA (JOHNNY) ON H.C.  
Extension of time granted

to December 10, 2003 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling 30 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General Louis M. Vasquez's representation that he anticipates filing that document by 1/16/2004.

**S117838****BROWN (PAUL MADISON) ON H.C.**  
Extension of time granted

to December 3, 2003 to file the informal response to the petition for writ of habeas corpus. Extension is granted based upon Deputy Attorney General Douglas L. Wilson's representation that he anticipates filing that document by 12/3/2003. After that date, no further extension will be granted.

**S119420****ERVIN (CURTIS L.) ON H.C.**  
Extension of time granted

to December 3, 2003 to file the informal response to the petition for writ of habeas corpus. After that date, only five further extensions totaling about 135 additional days will be granted. Extension is granted based upon Deputy Attorney General Allan Yannow's representation that he anticipates filing that document by 4/17/2004.

**S049743****PEOPLE v. YOUNG (CAROLINE)**  
Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for appellant Caroline M. Young, filed October 27, 2003, is granted.

The order appointing the State Public Defender as counsel of record for appellant Caroline M. Young, filed November 30, 1999, is hereby vacated.

Stephanie Clarke is hereby appointed as counsel of record to represent appellant Caroline M. Young for the direct appeal in the above automatic appeal now pending in this court.

**S055856**PEOPLE v. ROMERO & SELF  
Counsel appointment order filed

Upon request of appellant for appointment of counsel, Geraldine S. Russell is hereby appointed to represent appellant Christopher Self for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

**S027094**PEOPLE v. ELLIOT (MARCHAND)  
Record decertification denied

Appellant's "Motion to Decertify the Record on Appeal or in the Alternative, a Petition for a Writ of Mandate to the Superior Court," filed on October 14, 2003, is denied.

**S112741**LINDEN, ACCUSATION OF  
Petition denied**S113097**DOVE, ACCUSATION OF  
Petition denied**S113133**BOYADZHYAN, ACCUSATION OF  
Petition denied**S113346**SABO, ACCUSATION OF  
Petition denied**S113362**MESSERSMITH, ACCUSATION OF  
Petition denied (accusation)**S113447**ZARAGOZA, ACCUSATION OF  
Petition denied**S113448**MICHAELIAN, ACCUSATION OF  
Petition denied

**S113534**CORDELL, ACCUSATION OF  
Petition denied**S113549**LEMANNA-MELKONIAN, ACCUSATION OF  
Petition denied**S113733**BRIGGS, ACCUSATION OF  
Petition denied**S113761**EVANS, ACCUSATION OF  
Petition denied**S113763**JONES, ACCUSATION OF  
Petition denied**S113779**DASHOFF, ACCUSATION OF  
Petition denied**S113818**FOWLER, ACCUSATION OF  
Petition denied**S113840**HUBBARD, ACCUSATION OF  
Petition denied**S113862**DONATH, ACCUSATION OF  
Petition denied**S113872**ROBINSON, ACCUSATION OF  
Petition denied**S113982**GRAVES, ACCUSATION OF  
Petition denied**S113987**THOMAS, ACCUSATION OF  
Petition denied

<b>S114116</b>	EPPS, ACCUSATION OF Petition denied
<b>S114212</b>	HOWARD, ACCUSATION OF Petition denied
<b>S114328</b>	GRAVES, ACCUSATION OF Petition denied
<b>S114342</b>	EVANS, ACCUSATION OF Petition denied
<b>S114358</b>	LUNA, ACCUSATION OF Petition denied
<b>S114381</b>	BAKER, ACCUSATION OF Petition denied
<b>S114421</b>	WARREN, ACCUSATION OF Petition denied
<b>S114449</b>	ALBA, ACCUSATION OF Petition denied
<b>S114548</b>	ELGHEMBRI, ACCUSATION OF Petition denied
<b>S114566</b>	SAYANI, ACCUSATION OF Petition denied
<b>S114575</b>	WELLS, ACCUSATION OF Petition denied
<b>S114611</b>	MACGREGOR, ACCUSATION Petition denied



**S114780**COHEN, ACCUSATION OF  
Petition denied**S114781**PETTENUZZI, ACCUSATION OF  
Petition denied**S114850**MARTIN, ACCUSATION OF  
Petition denied**S114856**LAHR, ACCUSATION OF  
Petition denied**S114881**ISAACS, ACCUSATION OF  
Petition denied**S114886**LARSEN, ACCUSATION OF  
Petition denied**S114901**TORRES, ACCUSATION OF  
Petition denied**S115064**YOON, ACCUSATION OF  
Petition denied**S115069**O'NEAL, ACCUSATION OF  
Petition denied**S115146**BRADY, ACCUSATION OF  
Petition denied**S117527**In the Matter of the Suspension of Attorneys  
Pursuant to Rule 962, California Rules of Court

**RICHARD S. VAN DYKE, #196753**, was  
listed by the State Department of Child Support  
Services as being in arrears in payment of

support obligations. He later obtained the necessary release from the appropriate local Child Support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that **RICHARD S. VAN DYKE**, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after **December 11, 2003**.

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local Child Support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

